

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AZAZHUSEN KHATRI ESTATE, *et al.*,

Case No. 23-12874

Plaintiffs,  
v.

F. Kay Behm  
United States District Judge

DEARBORN PUBLIC SCHOOLS, *et al.*,

Anthony P. Patti  
United States Magistrate Judge

Defendants.  
\_\_\_\_\_ /

**OPINION AND ORDER ACCEPTING AND ADOPTING  
THE MAGISTRATE JUDGE'S JULY 31, 2024  
REPORT AND RECOMMENDATION (ECF No. 24)**

Currently before the court is Magistrate Judge Anthony P. Patti's July 31, 2024, Report and Recommendation. (ECF No. 24). Magistrate Judge Patti recommends the court: (1) deny Defendants' motion to dismiss (ECF No. 16) without prejudice; (2) allow 30 days for the unrepresented Plaintiffs to obtain counsel; (3) allow 60 days for any Plaintiffs still in the lawsuit to file a third amended complaint; and (4) strike Plaintiffs' improper second response brief, (ECF No. 23). *Id.*, PageID.418. The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich.

Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with the Magistrate Judge's recommended disposition. Therefore, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 24), **DENIES** Defendants' motion to dismiss (ECF No. 16) without prejudice, and **STRIKES** Plaintiffs' improper second response brief (ECF No. 23). Because Plaintiff Khatri can only represent himself, not his wife, child, or the undefined "estate," the court also agrees that the unrepresented Plaintiffs should be given 30 days to find counsel. The court further agrees that, if no counsel has filed an appearance on behalf of Plaintiffs Anne, the Estate, or GK (and in the case of GK, if she has not alternatively filed a notice to proceed *pro se*) by **September 21, 2024**, they will be dismissed from this lawsuit without prejudice, pursuant to Eastern District of Michigan Local Rule 41.2. At that time, any Plaintiffs still in the lawsuit should be given an additional 60 days to file a third amended complaint, which must be filed by **November 20, 2024**. The court directs Plaintiffs to Judge Patti's Report and Recommendation, which provided a thorough outline of the pleading requirements in federal court, as well as resources that may be of assistance, including the Federal *Pro Se* Legal Assistance Clinic. (ECF No. 24, PageID.433).

**SO ORDERED.**

Date: August 22, 2024

s/F. Kay Behm

F. Kay Behm

United States District Judge